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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,851	08/30/2001	Tapani Larikka	017.40169X00	7553
22907	7590	05/30/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,851

Applicant(s)

LARIKKA ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33,35-38 and 40-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33,35-38 and 40-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim(s) 35, 37 and 42** are objected to because of the following informalities:
claim(s) 35 and 37, line1 "claim 34" should be "claim 33".

Claim(s) 42, line 1 "claim 39" should be "claim 38"). Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim(s) 1-7, 13-16, 21-27, 33, 38, 11, 12, 20, 31, 32, 36, 37, 41, 42 and 43-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US 6,633,759) in view of Lewontin (US 2002/0087596 A1).

Regarding **claims 1, 3, 13, 21, 23, 33 and 38**, Kobayashi discloses on column 13 line 62 to column 14 line 6, message data is entered in the PC (claimed "first terminal device") and send the message data to the cellular phone (claimed "intermediate terminal device"). The sending of same message data from the PC to the cellular phone is synchronization. Kobayashi discloses Fig. 9, short-range wireless communication between the PC and the cellular phone (reads on claimed "remotely located").

Kobayashi fails to disclose "formatting the data to be synchronized into at least one SMS message in the intermediate terminal device".

However, Lewontin teaches (paragraphs 0025 and 0098), transmit the received data from the intermediate terminal to a third terminal. Kobayashi discloses the intermediate terminal is a cellular phone (reads on claimed "through a cellular network connection").

It would have been obvious to one skilled at the time the invention was made to modify Kobayashi to have the formatting the data to be synchronized into at least one

SMS message in the intermediate terminal device as taught by Lewontin such that the modified intermediate terminal of Kobayashi would be able to support the formatting data message into SMS to the system users.

Regarding **claim(s) 2, 14 and 22** Lewontin teaches a method, wherein formatting the data message comprises formatting the data in a SyncML format (paragraph 0098).

Regarding **claim(s) 4-6, 15, 24-26, 35 and 40** Lewontin teaches a method, wherein the at least one SMS message is transmitted via a mobile network including an SMS message center (paragraph 0025).

Regarding **claim(s) 7, 16 and 27** Lewontin teaches a method, wherein the compressed SMS message comprises a WBXML encoded message (paragraph 0031).

Regarding **claims 11, 12, 20, 31, 32, 36, 37, 41 and 42**, Kobayashi discloses on column 4 line 55-64 the PC (claimed "first terminal device") and the cellular phone (claimed "intermediate terminal") are connected via Bluetooth interface (claimed "a short range communication link").

Regarding **claims 43-47**, Kobayashi discloses on column 14 lines 25-31 the data can be transmitted and received among multiple devices (reads on claimed "from the second terminal device to the first terminal device").

6. **Claims 4, 24, 35, 40, 5 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, and in view of Lewontin as applied to claim(s) 3 above and further in view of, Lohtia et al (US 6,560,456).

Regarding **claim 4, 24, 35 and 40**, Kobayashi in combination with Lewontin as stated in claim 3 above fail to disclose "SMS message center".

However, Lohtia teaches on item 16 Fig. 1 and column 12 line 20 a SMS message center.

It would have been obvious to one skilled at the time the invention was made to modify in combination with Lewontin to have the SMS message center as taught by Lohtia such that the modified system of in combination with Lewontin would be able to support the SMS message center to the system users.

Regarding **claims 5 and 25**, Kobayashi in combination with Lewontin and Lohtia as stated in claim 4 above fail to disclose "the at least one.....and the internet".

However, Lohtia teaches on item 304 Fig. 3 MSC (claimed "mobile network")., item 302 Fig. 3 WWIS Gateway, item 303 Fig. 3 Internet.

It would have been obvious to one skilled at the time the invention was made to modify Kobayashi in combination with Lewontin and Lohtia to have the at least one.....and the internet as taught by Lohtia such that the modified system of Kobayashi in combination with Lewontin and Lohtia would be able to support the mobile network, gateway, and Internet for transmitting SMS messages to the system users.

7. **Claims 6, 15 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in combination with Lewontin as applied to claim(s) 1 above and further in view of Alanara et al (US 6,097,961).

Kobayashi in combination with Lewontin as stated in claim 1 above fail to disclose "the at least.....SMS message".

However, Alanara teaches on column 15 lines 24-25 a controller on the mobile station to compress SMS messages.

It would have been obvious to one skilled at the time the invention was made to modify Kobayashi in combination with Lewontin to have the at least.....SMS message as taught by Alanara such that the modified system of Kobayashi in combination with Lewontin would be able to support the compressed SMS message to the system users.

8. **Claims 8-10, 17-19 and 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in combination with Lewontin as applied to claim(s) 1 above and further in view of Winarski (US 2002/0123307 A1).

Regarding **claim(s) 8-10, 17-19 and 28-30** Kobayashi in combination with Lewontin as stated in claim 1 above fail to disclose "data formatted in a SyncML format comprises one of two MIME formats".

However, Winarski teaches a method, wherein the data formatted in a SyncML format comprises one of two MIME formats (paragraph 0035).

It would have been obvious to one skilled at the time the invention was made to modify Kobayashi in combination with Lewontin to have the at least....SMS message as taught by Winarski such that the modified system of Kobayashi in combination with Lewontin would be able to support the compressed SMS message to the system users.

9. **Claims 10, 19 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in combination with Lewontin.

Kobayashi in combination with Lewontin as stated in claim 1 above fail to disclose "the data message.....contact information".

However, "Official Notice" is taken that content of data message is a decide choice.

It would have been obvious to one skilled at the time the invention was made to modify Kobayashi in combination with Lewontin to have the "the data message.....contact information" such that the modified system of Kobayashi in combination with Lewontin would be able to support the calendar, to-do list, personal information, or contact information to the system users.

Response to Arguments


10. Applicant's arguments with respect to **claim(s) 1-33, 35-38 and 40-47** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

GG
May 18, 2006

Gerald Gauthier
Examiner
Art Unit 2614